

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JEROME CEASAR ALVERTO,

Petitioner,

v.

MICHAEL OBENLAND,

Respondent.

CASE NO. C13-5490 RJB-KLS

ORDER DENYING PETITIONER'S  
MOTION TO CLAIIFY AND  
UPDATE THE RECORD

Before the Court is Petitioner's motion to clarify and update the record. Dkt. 42. Petitioner, Mr. Alverto, filed his motion after the undersigned granted Mr. Alverto's motion to continue to stay this matter and hold it in abatement until he exhausts certain claims in state court. Dkt. 40. Currently this matter is stayed until July 17, 2015. *Id.* The order granting the extension of the stay informs Mr. Alverto what steps he must take if he wishes to extend the stay. *Id.*

Mr. Alverto asks the undersigned to adopt his version of facts and place blame for any delay in the proceedings on the state and state courts. Dkt. 42 pp. 2-4. Petitioner also seeks to inform the undersigned of other matters he has filed that are pending in the Washington State Court of Appeals. Dkt. 42, p.

1 With the filing of this motion Mr. Alverto is ignoring the stay that was entered in this  
2 action. In 1929 the Ninth Circuit had occasion to consider what the word “stay” means. One of  
3 the definitions the Court set forth was “to cease from any motion or course of action.” *Goodcell*  
4 *v. Graham*, 35 F. 2d, 586, 587 (9th Cir. 1929). This definition is applicable to this action. The  
5 undersigned will not enter orders, or make findings of fact, on the merits of any claim or defense  
6 while the action is stayed.

7 Accordingly, Petitioner’s motion to clarify and update the record (Dkt. 42) is **DENIED**.

8 The Clerk shall send a copy of this Order to Petitioner and counsel for Respondent.

9  
10 DATED this 24<sup>th</sup> day of March, 2015.

11  
12   
13 Karen L. Strombom  
14 United States Magistrate Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24